

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re: : Chapter 11
: Case No. 21-41367 (JMM)
893 4TH AVE LOFTS LLC, :
: Debtor. :
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**ORDER GRANTING DEBTOR'S MOTION FOR AN ORDER: (A) APPROVING
DISCLOSURE STATEMENT; (B) APPROVING FORM OF BALLOTS AND
PROCEDURES FOR SOLICITATION OF VOTES IN CONNECTION WITH
LIQUIDATING CHAPTER 11 PLAN; (C) SCHEDULING CONFIRMATION HEARING
ON CHAPTER 11 LIQUIDATING PLAN; AND (D) EXTENDING DEBTOR'S
EXCLUSIVITY PERIODS UNDER BANKRUPTCY CODE SECTION 1121**

893 4th Ave Lofts LLC (the "Debtor") having filed on September 21, 2021, a Motion For An Order: (A) Approving Disclosure Statement; (B) Approving Form Of Ballots And Procedures For Solicitation Of Votes In Connection With Liquidating Chapter 11 Plan; (C) Scheduling Confirmation Hearing On Chapter 11 Liquidating Plan; And (D) Extending Debtor's Exclusivity Periods Under Bankruptcy Code Section 1121 Through The Conclusion Of Plan Confirmation Hearing (the "Motion") [Dkt. No. 49] (JMM); and the Debtor having further filed on September 21, 2021 the Chapter 11 Liquidating Plan For 893 4th Ave Lofts LLC Filed By 893 4th Ave Lofts LLC And 5 AIF Sycamore 2, LLC, [Dkt. No. 47] and the Disclosure Statement Concerning Chapter 11 Liquidating Plan For 893 4th Ave Lofts LLC Filed By 893 4th Ave Lofts LLC And 5 AIF Sycamore 2, LLC, [Dkt. No. 48]; and no objections having been filed to the Motion; and a hearing on the Motion having been duly scheduled and held before the Court on November 10, 2021 (the "Hearing"); and the Debtor and 5 AIF Sycamore 2 LLC having filed a second amended liquidating plan [Dkt. No. 70] (the "Plan") and a second amended disclosure statement [Dkt. No.

71] (the "Disclosure Statement") to address matters raised at the Hearing; and the Court having found that notice of the Motion and the Hearing was good and sufficient; and the Court having considered the Motion, the Disclosure Statement and the Plan, and the positions of the parties as reflected in the transcript of the Hearing; and the Court having further found that the Disclosure Statement contains "adequate information" within the meaning of Section 1125 of the Bankruptcy Code; and sufficient cause appearing to me for granting the relief contained herein, now therefore it is:

ORDERED, that the Motion is granted ~~in its entirety to the extent herein (JMM)~~; and it is further

ORDERED, that the Disclosure Statement is approved pursuant to Section 1125 of the Bankruptcy Code; and it is further

ORDERED, that the Debtor and 5 AIF Sycamore 2, LLC (the "Secured Lender") are authorized to solicit acceptances to the Plan; and it is further

ORDERED, that the form of ballot (the "Ballot") annexed to the Motion is approved for purposes of soliciting acceptances to the Plan; and it is further

ORDERED, that no later than seven days after entry of this Order, counsel for the Debtor or Secured Lender shall serve the Disclosure Statement, Plan, Ballot and a copy of this Order upon all holders of claims and interest in this Chapter 11 case and the office of the United States Trustee; and it is further

ORDERED, that completed and signed ballots accepting or rejecting the Plan must be received by counsel for the Debtor no later than 5:00 p.m. on December 15, 2021 in order to be counted with respect to voting on the Plan; and it is further

ORDERED, that any party seeking to object to confirmation of the Plan shall file its objection to confirmation with the Court no later than December 15, 2021 (the "Plan Objection Deadline") and serve such objection so as to be received by such date by: (i) counsel to the Debtor at Law Offices of Vincent Lentini, 1129 Northern Blvd., Suite 404, Manhasset, New York 11030; (ii) counsel to the Secured Lender, Bruce J. Zabarauskas, Esq., Holland & Knight LLP, 1500 Routh Street, Suite 1500, Dallas, Texas 75201; and (iii) Jeffrey S. Sussman, Esq., Office of the United States Trustee, 201 Varick Street, Suite 1006, New York, New York 10014; and it is further

ORDERED, that any objections not filed by the Plan Objection Deadline may not be considered by the Court; and it is further

ORDERED, that any replies to objections to confirmation of the Plan shall be filed with the Court no later than December 20, 2021, and served upon all parties who have filed objections so that they receive such replies by such date; and it is further

ORDERED, that counsel for the Debtor shall file a certification of ballots no later than December 20, 2021; and it is further

ORDERED, that a hearing on confirmation of the Plan shall be held before the Honorable Jil Mazer-Marino, United States Bankruptcy Judge for the Eastern District of New York, the Conrad B. Duberstein United States Courthouse, 271-C Cadman Plaza East, Courtroom 3529, Brooklyn, New York 11201, on December 22, 2021 at 10:30 a.m., and such other and further dates and times as may be designated by the Court (the "Confirmation Hearing"); and it is further

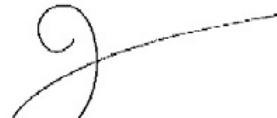
ORDERED, that the Confirmation Hearing will take place telephonically pursuant to the procedures annexed as Exhibit E to the Disclosure Statement; and it is further

ORDERED, that the Confirmation Hearing may be adjourned from time to time without notice to any creditor or other party-in-interest other than by an announcement of the adjourned date in open Court on the hearing date; and it is further

ORDERED, that the Debtor's exclusive periods to file and solicit acceptances to a plan under Section 1121 of the Bankruptcy Code are extended through and including January 19, 2022, without prejudice to the Debtor seeking a further extension.

**Dated: Brooklyn, New York
November 15, 2021**




Jill Mazer-Marino
United States Bankruptcy Judge